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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 HCB ENTERPRISES, LLC, a Nevada limited
13 liability company,

14 Plaintiff,

15 vs.

16 DICKEY'S BARBECUE RESTAURANTS,
17 INC.,

18 Defendant.

19 Case No. 2:20-cv-00407-JCM-VCF

20 **STIPULATION TO EXTEND TIME FOR
21 DEFENDANT TO FILE ITS REPLY IN
22 SUPPORT OF ITS MOTION TO STAY
23 PROCEEDINGS (ECF NO. 8)**

24 ***Third Request***

25 Plaintiff HCB Enterprises, LLC and Defendant Dickey's Barbecue Restaurants, Inc., by and
26 through their respective attorneys of record, hereby stipulate and request that the Court extend the
27 deadline by which Defendant must file its Reply in support of its Motion to Stay Proceedings (ECF No.
28 8) up to, and including, June 23, 2020. This stipulation is made and based upon the following:

1. Plaintiff filed its Complaint on February 26, 2020. ECF No. 1.

2. Defendant responded by filing its Motion to Stay the Proceedings based upon Defendant's
3 contention, which is disputed by Plaintiff, that an arbitration agreement exists between the parties that
4 requires the parties to arbitrate this matter. ECF No. 8. Plaintiff thereafter opposed the Motion to Stay.
5 ECF No. 11.

6. After the Motion to Stay and Opposition were filed, the parties attempted to informally
7 resolve the arbitration issue which, if resolved, would moot the pending motion. These discussions led
8 to an initial stipulation extending the deadline for Defendant's reply brief to June 16, 2020. ECF No. 15.

1 4. On Monday, June 15, 2020, the parties determined they were unable to informally resolve
2 the arbitration issue, and a ruling from the Court appears necessary.

3 5. The impasse on the arbitration issue was reached the day before the current reply deadline.
4 Further, the parties continue to explore the possibility of early mediation, which may still render the
5 pending Motion moot. Therefore, the parties stipulate and request that the Court issue one final extension
6 for Defendant's reply in support of the Motion, to June 23, 2020.

7 6. Defendant agrees that it will not oppose or object to a request for leave to file a sur-reply
8 in response to Defendant's reply brief should Plaintiff seek such leave.

9 7. This is the third request for the relief sought herein and is not sought for purposes of delay.

10 **IT IS SO STIPULATED.**

12 Dated this 17th day of June 2020.

13 GREENBERG TRAURIG, LLP

12 Dated this 17th day of June 2020.

13 HOWARD & HOWARD PLLC

15 */s/ Tyler R. Andrews*

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ORDER

Based upon the stipulation of the parties, and with good cause appearing, IT IS HEREBY ORDERED that Defendant's deadline by which it must file any reply in support of its Motion to Stay Proceedings (ECF No. 8) be, and the same hereby is, EXTENDED to June 23, 2020.

IT IS SO ORDERED.

James C. Mahan
United States District Judge

DATED: June 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June 2020, I served the foregoing **STIPULATION TO EXTEND TIME FOR DEFENDANT TO FILE ITS REPLY IN SUPPORT OF ITS MOTION TO STAY PROCEEDINGS (ECF NO. 8)** electronically through the District of Nevada CM/ECF electronic filing on all counsel of record.

/s/ Tyler R. Andrews
An employee of Greenberg Traurig, LLP